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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,516	03/06/2002	Peter Wagner	P/ 37-171	9644
2352	7590	03/13/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			CONLEY, SEAN EVERETT	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,516

Applicant(s)

WAGNER, PETER

Examiner

Sean E. Conley

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-29, 31 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 30 and 32-54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Remarks/Arguments filed December 21, 2005 have been carefully considered. Claims 26-57 remain pending.

Allowable Subject Matter

2. The indicated allowability of claims 26, 27, 31 and 56-57 are withdrawn in view of the newly discovered reference(s) to Sanderson et al. (U.S. Patent No. 4,349,118). Rejections based on the newly cited reference(s) follow.

3. Claims 30 and 32-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 30 and 44-51, the prior art, alone or in combination, fail to teach or fairly suggest a sterilization container with a temperature sensor that further comprises a snap-disk stack having a plurality of snap disks each having a shape that varies responsive to temperature changes; and at least two of the snap-disks in the snap-disk stack having different respective temperature behaviors.

Regarding claims 32-43 and 52-54, the prior art alone or in combination, fails to teach or fairly suggest a sterilization container further comprising a central wall section in the bottom and having a conical shape that is tapered inward in an upward direction; perforation openings in the central wall section to permit condensate to drain through

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the perforation openings when the valve arrangement is in the open position; an annular valve seat surrounding the perforation openings; and the valve body having a valve plate and a valve ring on the valve plate, the valve ring cooperating with the annular valve seat to seal the sterilization chamber.

The closest prior art to the applicant's claimed invention is Wagner (U.S. Patent No. 5,352,416). Wagner discloses a sterilization container for holding sterilized items to be passed through a sterilization process in a sterilizer that includes a vacuum drying phase and a ventilation phase, the container is capable of remaining hermetically sealed and maintaining a vacuum established during the sterilization process; the container having a valve arrangement permitting an exchange of a medium between the sterilizer and the sterilization container during the sterilization process, the valve arrangement comprising, an open position of the valve arrangement to permit the exchange of the medium and a closed position of the valve arrangement operable to prevent the exchange of the medium; and a temperature sensor in the valve arrangement operable to prevent the valve arrangement from moving to the closed position until a set temperature cycle of the sterilizer is complete (see figures 1 and 10, column 1, lines 35-63, and column 4, lines 9-63).

However, Wagner fails to teach the specific elements recited in dependent claims 30 and 32. Therefore, claims 30 and 32-54 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26-29, 31 and 55-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanderson et al. (U.S. Patent No. 4,349,118).

Regarding claims 26, 28 and 55, Sanderson et al. discloses a sterilization container (base (10) combined with lid (12)) for holding items to be passed through a sterilization process (see col. 3, lines 1-16); the container having a valve arrangement (58) permitting a medium exchange between an inside and an outside of the sterilization container during the sterilization process (see col. 3, lines 52-59), the valve arrangement (58) comprising: an open position of the valve arrangement to permit the exchange of the medium and a closed position of the valve arrangement to prevent the exchange of the medium; a valve body (60) responsive to a pressure flow to urge the valve arrangement to the closed position; a stop (latch (86) contacting latch lever (78)) in the valve arrangement, the stop (86) having a stop position to prevent the valve arrangement from moving to the closed position; and a temperature sensor (fuse metal (84) in housing (82)) coupled to the stop and operable to urge the stop away from the stop position based on a set temperature reached before the ventilation phase, wherein the temperature sensor is protected from premature cooling by the fact that the valve body (60) remains closed during cooling by latch (86) and the valve is only opened by

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depressing manual level (74) and resetting the stop (latch (84)) so that the valve is in an open position (see figures 1, 5 and 6; col. 3, line 60 to col. 4, line 57; col. 5, lines 3-38; col. 6, lines 23-45).

Regarding claims 27 and 29, Sanderson et al. discloses that the temperature sensor (fuse metal (84)) exhibits hysteresis based on temperature (see col. 5, lines 11-22; col. 6, lines 23-25).

Regarding claim 31, Sanderson et al. discloses a recess (54) at a bottom portion of the sterilization container (see figure 5; col. 3, lines 52-59). The valve arrangement (58) being located in the recess and operable to permit condensate formed during the sterilization process to drain from the bottom portion through the valve arrangement.

Regarding claims 56 and 57, Sanderson et al. discloses a method of operating a valve in a sterilization container for holding items to be passed through a sterilization process in a sterilizer, comprising: setting a blocking pin (latching lever (78)) in a position to cooperate with a stop (86) to prevent closure of the valve; exposing the sterilization container and the valve to a sterilization phase while maintaining the blocking pin position; increasing a temperature applied to the sterilization container and valve to heat the valve beyond a set temperature; moving the blocking pin to a position to prevent cooperation with the stop in response to obtaining a temperature for the valve above the set temperature; closing the valve in response to a pressure differential, whereby the sterilization container maintains a vacuum. The process further includes the step of removing residual steam while the valve is opened so that the container is maintained in a dry state (see col. 4, line 58 to col. 5, line 67).

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Response to Arguments

5. Applicant's arguments, see pages 3-4, filed December 21, 2005, with respect to the rejection(s) of claim(s) 28, 29 and 55 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Sanderson et al. (U.S. Patent No. 4,349,118).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 6, 2006
SEC

S.E.C.


KRISANNE JASTRZAB
PRIMARY EXAMINER